

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

DIANA COOK,

Plaintiff,

v.

ANDREW M. SAUL,<sup>1</sup>  
Commissioner of Social Security,

Defendant.

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CIVIL ACTION NO. 1:19-CV-00128-BU

**REPORT AND RECOMMENDATION**

The Court now considers the Unopposed Motion to Remand to Social Security Administration filed by the Commissioner of Social Security, Andrew M. Saul (Commissioner). Through his unopposed motion, the Commissioner asks the Court to remand this case pursuant to the fourth sentence of 42 U.S.C. § 405(g), for further administrative proceedings before the Appeals Council of the Social Security Administration. (Dkt. No. 17). The senior United States district judge, by order entered on October 2, 2019, transferred this civil action to the undersigned United States magistrate judge for further proceedings. (Dkt. No. 10).

The parties were advised of the undersigned's availability to exercise jurisdiction in this case pursuant to 28 U.S.C. § 636(c); however, the parties did not provide their consent. As a result, the undersigned is required to file a report and recommendation with respect to all dispositive matters, including motions to remand pursuant to the fourth sentence of 42 U.S.C. § 405(g).

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<sup>1</sup>Andrew M. Saul took office as the Commissioner of the Social Security Administration on June 17, 2019. Commissioner Saul is automatically substituted as a party pursuant to Federal Rule of Civil Procedure 25(d). *See also* section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

After reviewing the Commissioner's unopposed motion and the applicable law, the undersigned finds that a hearing on this motion is unnecessary and recommends that the Commissioner's Unopposed Motion to Remand to Social Security Administration be GRANTED. Accordingly, it is recommended that this case be remanded to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g), for further adjudication consistent with the Commissioner's motion.

IT IS ORDERED that this case is TRANSFERRED to the docket of Senior United States District Judge Sam R. Cummings.

SO RECOMMENDED this 30th day of December, 2019.



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**JOHN R. PARKER**  
**UNITED STATES MAGISTRATE JUDGE**